

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

BALLARD NURSING CENTER, INC.,

Plaintiff,

v.

ACCUBUILT, INC. and JOHN DOES 1-10,

Defendant.

No. 08 C 260

Judge: Robert W. Gettleman

NOTICE OF MOTION

To: Daniel A. Edelman
Julie Clark
Edelman, Combs, Latturner & Goodwin, LLC
120 South LaSalle Street, 18th Floor
Chicago, Illinois 60603

On February 5, 2008, at 9:15 a.m., or as soon thereafter as counsel may be heard, I shall appear before the Honorable Robert W. Gettleman or any judge sitting in his stead, in the courtroom usually occupied by him in Room 1703, Dirksen Federal Building, 219 South Dearborn Street, Chicago, Illinois and shall then and there present the attached Motion to Dismiss Counts II and III of Plaintiff's Complaint and Memorandum in Support of Defendant's Motion to Dismiss Counts II and III of Plaintiff's Complaint.

Dated: January 28, 2008

ACCUBUILT, INC.

By: s/ Thomas P. Cimino, Jr.
One of Its Attorneys

Thomas P. Cimino, Jr.
Brian W. Ledebuhr
Vedder Price P.C.
222 North LaSalle Street
Suite 2600
Chicago, Illinois 60601
(312) 609-7500

CERTIFICATE OF SERVICE

The undersigned certifies that true and correct copies of the foregoing Notice of Motion and Motion to Dismiss Counts II and III of Plaintiff's Complaint and Memorandum in Support of Defendant's Motion to Dismiss Counts II and III of Plaintiff's Complaint were served on:

Daniel A. Edelman
Julie Clark
Edelman, Combs, Lattner & Goodwin, LLC
120 South LaSalle Street, 18th Floor
Chicago, Illinois 60603

by electronic delivery on January 28, 2008.

s/ Thomas P. Cimino, Jr.